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| FROM:           | Mark Haynes                              |
| CLIENT/MATTER:  | Application No. 09/589,675 (LSCP 1000-1) |
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| <b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>  |  | Docket Number (Optional)<br><b>LSCP 1000-1</b>          |                             |
| <b>CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8</b><br>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at Fax No. <u>571-273-8300</u> on <u>12 August 2005</u>  |  | In re Application of<br><b>Steven C. Murray, et al.</b> |                             |
| Signature <u><i>Tracey Horne</i></u><br>Typed or printed name <b>Tracey Horne</b>   |  | Application Number<br><b>09/589,675</b>                 | Filed<br><b>7 June 2000</b> |
| <b>For Device for Irradiating Tissue</b>  |  |   |                             |
| Group Art Unit<br><b>3739</b>   |  | Examiner<br><b>Ahmed M. Farah</b>                       |                             |
| <p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 1 17(b)) <span style="float: right;">\$ <u>500</u></span></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;">\$ <u>250</u></span></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed <span style="float: right;">08/16/2005 MBINAS 00000023 09589675</span></p> <p><input checked="" type="checkbox"/> Payment by credit card Form PTO-2038 is attached. <span style="float: right;">01 FC:2401 250.00 OP</span></p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0869(LSCP 1001-1)</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest.<br/>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a).<br/>Registration number if acting under 37 CFR 1.34(a): _____</p> <div style="text-align: right; margin-top: 20px;"> <br/>         Signature<br/> <b>Mark A. Haynes</b><br/>         Typed or printed name<br/> <b>15 August 2005</b><br/>         Date       </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> |  |   |                             |

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